

02-12-01

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## UTILITY PATENT APPLICATION TRANSMITTAL

02/09/01  
j1033 U.S. PTO

Address to: Box PATENT APPLICATION Commissioner for Patents United States Patent & Trademark Office Washington, D.C. 20231	Attorney Docket No.	RPC 0557 PUS
	Inventor(s) or Appln. Identifier	WILLIAM PATRICK APPS

j1033 U.S. PTO  
09/780073  
02/09/01

1. This application entitled NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE is:
- a.      A new application under 37 C.F.R. § 1.53(b).
- b.   X   A   X   continuation      divisional or      continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/233,082 filed on January 19, 1999, entitled Nestable Can Tray With Contoured Wall Structure.
- c.      A new utility application which claims the benefit of provisional application Serial No.     , filed on     .

Application elements and other attached papers:

2.   X   Specification (including Claims and Abstract) [Total Pages 12]
3.   X   Drawings (     informal /   X   formal) [Total Sheets 7]
4.   X   Oath or Declaration
- a.      Newly-executed
- b.   X   Copy from a prior application (37 C.F.R. § 1.63(d))
5.   X   Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.      This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a.      **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
- b.      The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

Express  
Mail Label No. EL 503256525 US

Date of Deposit: February 9, 2001

TERRY M. KRUEGER  
(Type or print name of person mailing paper)  
Terry M. Krueger  
(Signature of person mailing paper)

7. Preliminary Amendment:

- a.        A Preliminary Amendment is attached.
- b.        Cancel in this application original claims            of the prior application before calculating the filing fee.
- c.        Please amend the specification by inserting before the first line the following sentence:
- "This is a   x   continuation  
                         divisional  
of copending application(s) serial number   09 /233,082    
filed on   January 19, 1999  ."
- d.        A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. ☐ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	8      -20 =	0	x 18.00	0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	2      -3 =	0	x 80.00	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			270.00	0.00
BASIC FEE (37 C.F.R. § 1.16(a))				710.00
TOTAL OF ABOVE CALCULATIONS				710.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				0.00
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				0.00
<b>TOTAL</b>				710.00

10.   X   A check in the amount of \$ 710.00 is enclosed.
11.   X   The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a.   X   Fees required under 37 C.F.R. § 1.16.
- b.   X   Fees required under 37 C.F.R. § 1.17.

\_\_\_\_\_ A request for extension of time and the appropriate fee have been filed in the pending **prior** application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

- b. x In accordance with 37 CFR § 1.98(d), copies of the references listed are not included, as they were cited in parent application Serial No. 09/233,082.

- c.        Applicant requests that the above assignee information be published with the application.

- \_\_\_\_\_ A new power has been executed and is attached.

- [Utility--page 3 of 3]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**WILLIAM PATRICK APPS**

Serial No.: Continuation of U.S.S.N. 09/233,082;  
filed January 9, 1999

Filed: Filed Herewith

For: NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE

Attorney Docket No.: RPC 0557 PUS

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. § 122(b)(C)(i)**

Box Patent Application  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Applicant of the United States patent application identified above, hereby requests that the application not be published pursuant to 35 U.S.C. § 122. Applicant certifies that the invention disclosed in the application identified above has not been, and will not be, the subject of an application filed in another country, or under a multilateral internal agreement that requires publication 18 months after filing.

Respectfully submitted,

**WILLIAM PATRICK APPS**

By: 

Konstantine J. Diamond

Reg. No. 39,657

Attorney/Agent for Applicant

Date: February 9, 2001

**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351